APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/741,517	O'ROURKE ET AL.
	Examiner	Art Unit
	Dustin Nguyen	2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1- 27 are presented for examination.

Claim Objections

2.   Claims 1-20, 23, 25-27 are objected to because of the following informalities: "the first

section", "the second section", and "the third section" should be corrected as "the first section of

code", "the second section of code", and "the third section of code". Appropriate correction is

required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 21, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

        A.   The following terms lack antecedent basis:

                I.   "the second section"   claims 21, 22 and 24.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21, 22, 26, 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 21, "electrical signal" fails to fall within a statutory category of invention because it is not a process, machine, manufacture nor composition of matter. As per claims 26 and 27, "a computer program product in machine readable form" would reasonably be interpreted by one of ordinary skill as software per se, failing to fall within a statutory category of invention. [Please see MPEP 2106]

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 4-7, 9-13, 16-20, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok et al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr. et al. [US Patent No 6,275,230].

8.   As per claim 1, Lok discloses the invention as claimed including a method of providing

an interface over a network between a client computer and a server for controlling telephony

equipment [i.e. providing web and portal enablement of a CTI-based call center] [Figure 1;

Abstract; and paragraph 0003], comprising the steps of:

a) sending over the network to the client computer a first section of code including

software elements which when loaded in web browser software enable a user of the client

computer to issue commands to the server [i.e. softphone can be deployed in applet form for

interaction] [Figure 15; and paragraphs 0059, 0081, and 0091]; and

b) sending over the network to the client computer a second section of code as a stream [

i.e. separate events are handled as discrete messages] [paragraph 0067] which includes event

notifications generated dynamically by the server in response to said telephony equipment [i.e.

ringing event sends to the client] [paragraphs 0081, 0108 and 0110];

whereby the first section provides a browser-based interface suitable for transmitting

user generated events [i.e. answer, transfer, conference] [Figure 22; and paragraphs 0059,

0081 and 0110] and the second section provides a mechanism for updating the browser with

notifications of events provided by the telephony equipment [i.e. softphone should reflect the

ringing event] [paragraph 0081].

Lok does not specifically disclose

wherein at least some of the event notifications in the second section are adapted to

update in the browser software one or more software elements received in the first section.

Ingrassia discloses

wherein at least some of the event notifications in the second section are adapted to

update in the browser software one or more software elements received in the first section [i.e.

notify the software running on a workstation of the arrival of a call] [Figures 1 and 2; and col

3, lines 1-43].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Lok and Ingrassia because the teaching of Ingrassia would provide

all the command buttons to dynamically interact with the CTI server, switch and Call Center

Session Control to monitor the current operational state of the telephony equipment and

automatically react to the changes to the operational state [Ingrassia, col 10, lines 63-67].

9.   As per claim 4, Lok discloses wherein the second section is generated as an open-ended

stream of code which continues to be generated by the server in response to new events notified

by the telephony equipment while the communication with the client computer remains open [

i.e. listens to or monitor] [paragraphs 0077 and 0081].

10.   As per claim 5, Lok discloses wherein the second section is provided as dynamic mark-

up language code in the form of a series of discrete components which encode discrete software

elements for interpretation by the browser software [i.e. XML messages] [paragraphs 0060,

0067 and 0070].

11.   As per claim 6, Lok discloses wherein the discrete software elements are Java or

JavaScript elements [paragraphs 0064 and 0094].

12.   As per claim 7, Ingrassia discloses sending over the network a third section of code, said

third section including a web services description of web services available on said server

which enable remote control of the telephony equipment [i.e. enable the application to control a

call to a telephone] [col 3, lines 9-13; col 5, lines 29-32], whereby the software elements from

the first section operate in conjunction with the web services description from the third section

to enable the generation of appropriate commands to access the web services offered by the

server, and thereby to control the telephony equipment [i.e. the command buttons dynamically

interact with the CTI server] [col 10, lines 63-67].

13.   As per claim 9, Ingrassia discloses monitoring said network for commands from the

client to operate the web services [i.e. monitor activations of command button by a user] [col

7, lines 14-25].

14.   As per claim 10, Ingrassia discloses translating commands received from the client to

operating commands for the telephony equipment [Figure 14; and col 9, lines 62-col 10, lines

11].

15.   As per claim 11, Lok discloses the steps of monitoring a first communications session

including said first and second sections between the client computer and the server, and of

monitoring a second communications session between the telephony equipment and a remote

item of telephony equipment, whereby events occurring in the first and second communications

sessions are synchronised with one another [i.e. events synchronized or real-time] [paragraphs 0067 and 0068].

16.   As per claim 12, Lok discloses wherein the first communications session is controlled by a session manager which is in communication with a web server and the second communications session is controlled by a computer telephone integration manager which is in communication with said telephony equipment, the session manager passing commands received from the client computer to the computer telephone integration manager, and passing event notifications received from the computer telephone integration manager to the web server [i.e. call center session control and telephony controls] [109, 110, Figure 1; Figure 9; col 3, lines 17-col 4, lines 2; and col 8, lines 5-11].

17.   As per claim 13, it is rejected for similar reasons as stated above in claim 1.

18.   As per claims 16-19, they are rejected for similar reasons as stated above in claims 4-7.

19.   As per claim 20, Lok discloses sending to the server commands to operate the web services in response to user actions in the browser [i.e. telephone control includes answer] [Abstract; and paragraph 0059].

20.   As per claims 23, 25-27, they are rejected for similar reasons as stated above in claim 1.

21.   Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok et

al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr. et al. [US Patent No

6,275,230], and further in view of Strathmeyer [US Patent Application No 2005/0025127].

22.   As per claim 2, Lok and Ingrassia do not specifically disclose wherein the first and

second sections are provided as first and second frames within a single web page. Strathmeyer

discloses wherein the first and second sections are provided as first and second frames within a

single web page [i.e. generate a dynamic web page] [308, Figure 3; and paragraphs 0025 and

0041]. It would have been obvious to a person skill in the art at the time the invention was

made to combine the teaching of Lok, Ingrassia and Strathmeyer because the teaching of

Strathmeyer would allow to create a finished web page that reflects data relevant to a caller [

Strathmeyer, paragraph 0025].

23.   As per claim 8, Strathmeyer discloses wherein the first and second sections are

transmitted as first and second frames in a web page [paragraphs 0022, 0025, and 0046], and

the third section is transmitted each time said web page is requested [paragraphs 0015 and 0048

].

24.   As per claim 14, it is rejected for similar reasons as stated above in claim 2.

25.   Claims 3, 15, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lok et al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr. et al. [US

Patent No 6,275,230], and further in view of Strathmeyer [US Patent Application No

2005/0025127], and further in view of Schneider et al. [US Patent No 7,010,568].

26.   As per claim 3, Lok, Ingrassia, Strathmeyer do not specifically disclose wherein the

second frame is encoded for interpretation as a hidden frame. Schneider discloses wherein the

second frame is encoded for interpretation as a hidden frame [i.e. a web page is dynamic when

arguments are passed which are hidden] [col 2, lines 9-20]. It would have been obvious to a

person skill in the art at the time the invention was made to combine the teaching of Lok,

Ingrassia, Strathmeyer and Schneider because the teaching of Schneider would provide a means

of accessing information on the Internet that allows a user to "surf the web" and navigate the

Internet resource intuitively, without technical knowledge [Schneider, col 2, lines 21-24].

27.   As per claim 15, it is rejected for similar reasons as stated above in claim 3.

28.   As per claims 21 and 22, they are rejected for similar reasons as stated above in claims 1-

3.

29.   As per claim 24, it is rejected for similar reasons as stated above in claim 21.

30.   A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154